



**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION**

IN RE:	§	
	§	
MCCLAIN FEED YARD, INC., et al.,¹	§	CASE NO. 23-20084-RLJ-7
	§	
	§	
Debtors.	§	Jointly Administered

**ORDER GRANTING TRUSTEE'S MOTION FOR RULE 2004 EXAMINATION
OF USDA DEALER TRUST CLAIMANTS**

On this day came for consideration the Motion for Rule 2004 Examination of USDA Dealer Trust Claimants (the "**Motion**") filed Kent Ries, Trustee ("**Trustee**") of the referenced Chapter 7 bankruptcy cases. Having considered the Motion, finding that service and notice thereof was sufficient and appropriate under the circumstances, it is hereby

ORDERED that the Motion is GRANTED as provided for herein; it is further

ORDERED that by _____, the following parties:

¹ The Debtors in these Chapter 7 cases are: McClain Feed Yard, Inc. (Case No. 23-20084-RLJ), McClain Farms, Inc. (Case No. 23-20085-RLJ), and 7M Cattle Feeders, Inc. (Case No. 23-20086-RLJ)

2B Farms (Terry "Bo" Robinson)	Joe Burnett
A.J. Jacques Living Trust	Joel Brookshire
Acey Livestock, LLC	John Tidwell
Amy & Craig Sutton	Jordan Lesh, LLC
Angie Robinson	Justin Beiber
Arnold Braun Trust	Justin Stuever
Audy Spell (University of Florida)	Keith Harris
Bar D Ranch Land & Cattle	Kingdom Trust (James Mccuan)
Barrett's Livestock Inc.	Kinsey Jones
Barry Phillips	Kyle Weldon, James D. Bradbury, LLC
Bella Elegance LLC (Job White)	(Bradbury Counsel)
Big Seven Capital Partners, LLC	Larry Keith
Brent Burnett	Leah Gungoll
Bryan Blackman	Lesh Family Trust (Jan Lesh)
Buss Family Trust (Edwin D. Buss)	LFC Cattle
C Heart Ranch (Colette Lesh)	Lyndal VanBuskirk
Cameron Weddington	Map Enterprises (Mike Gourley)
Carraway Cattle, LLC	Mark J. Reisz
Charles Lockwood	Michael Evans
Christopher Prince	Morgan Perry & Codie Perry
Cole Lockwood	Morrison Café, LLC (Jan Lesh)
Cory Jesko	Mykel Tidwell
Curtis Jones Farms	Nancy F. Weddington
DAC83 LLC	Natalie Martus
David Johnson	Nikki Lockwood
David Rainey	Open A Arena LLC
Dennis Buss	Phillip Sullivan
Don Jones Farm, Inc.	Priest Cattle Company, Ltd
Don Jones Trucking, Inc.	Priest Victory Investment LLC
Dora Blackman	Producers Livestock Commission (Sonny
Doug Finley	Barthold)
Drew Phillips	Ralph Reisz
Dufurrena Cutting Horses (Ed Dufurrena)	Rapp Ranch
Dustin Johnson	Richard Brad Carraway
Dwight Jesko	Richard Carraway
Eddie Bryant	Rick Rodgers
Eddie Stewart	Ridgefield Capital Asset Management
Edward Lewis Dufurrena	(RCAM) (Jim Giordano)
Eric DeJarnatt	Rieta May Dufurrena
Garwood Cattle Co. (Justin Garwood)	Riley Livestock, Inc.
Gene Brookshire Family, LP (Joel	Robert & Rachel Stewart
Brookshire)	Robert Braun
Gray Brothers Cattle (Robert & Ronnie	Robert Ellis
Gray)	Robert Gray
Gungoll Cattle, LLC (Bradley Gungoll)	Robert J. Spring
Hines Cattle Company, LLC (Steven Hines)	Ronnie Gray
Hines Farnes, LLC (David Hines)	Scarlet & Black Cattle, LLC (Colton Long)
Jace Harrold	Scott E. Stewart
Jan & Gary Lesh	Scott Livestock Company
Janet VanBuskirk	Shaw & Shaw Farms Partnership LLC
Janice E. Lawhon	Sherle Lockwood
Jared Lesh	Stan E. Ayers, Jr.
Jean Nix	Starnes Cattle (Jeff Starnes)
Jim Rininger	Steve Ryan
Jimmy Greer	Steve T Scott Farms Inc.
JoAnn & Keith Brooks d.b.a. Brooks Farms	Susan & Colby VanBuskirk

Terry Burnett
TGF Ranch LLC (Tom Frith)
Thorlakson Diamond T Feeders, L.P.
Tindal Truck Sales (John Tindal)
Wildforest Cattle Company LLC

Wiley Roby Russell, Jr., Trustee of the W.
Robbie Russell Living Trust
Wiley Roby Russell, Jr., Trustee of the W.
Robbie Russell Living Trust & Eddie Stewart
William A. Weddington
WJ Performance Horses (Weston Raub)

shall provide to the Trustee the documents and electronic information, and shall provide a written response to the interrogatory, set forth in the **Discovery Request** below. As instructed in the Discovery Request, the responding parties shall identify all documents that are available in both physical and electronic format, and initially provide only the electronic version. The responding parties should further identify electronic data that is available in more than one format, and provide all formats. IT IS FURTHER

ORDERED that the production shall be limited to those items in the responding parties' possession, custody, or control, and shall be subject to the other applicable limits of the Federal Rules of Civil Procedure; it is further

ORDERED that the Trustee shall work in good faith with the responding parties to coordinate production.

DISCOVERY REQUEST

DEFINITIONS

1. **You/Your**. The terms "You" and/or "Your" means the person or entity to whom this discovery is directed, as well as Your officers, directors, members, employees, attorneys, agents, representatives, and/or anyone else acting on Your behalf.
2. **Debtors**. The term "Debtors" shall mean McClain Feed Yard, Inc., McClain Farms, Inc., and 7M Cattle Feeders, Inc., as well as all officers, directors, members, employees, attorneys, agents, and representatives of the foregoing.
3. **Debtor Affiliates**. The term "Debtor Affiliates" shall mean Brian McClain, Chelsea McClain, Crystal McClain, Meagan B. Goad, aka Meagan B. Powell, Kinsey Moreland, Josh Moreland, Jed Goad, JLE Trucking, Inc., any other entities affiliated with the foregoing, as well as all officers, directors, members, employees, attorneys, agents, and representatives of the foregoing.

4. Transfer. The term “transfer” means every mode, direct or indirect, absolute or conditional, voluntary or involuntary, of disposing of or parting with property or an interest in property, and includes payment of money, release, lease, and creation of a lien or other encumbrance.

5. Property. The term “property” means anything that may be the subject of ownership.

6. Documents or Electronically Stored Information. The term “documents or electronically stored information” shall be synonymous in meaning and equal in scope to the usage of those terms in Rule 34 of the Federal Rules of Civil Procedure, and shall include, *without limitation*, any written, printed, electronic, typed, recorded, filmed, punched, transcribed, taped, or other graphic matter of any kind or nature however stored, produced, or reproduced, whether sent or received or neither, including the original, drafts, copies, and non-identical copies bearing notations or marks not found on the original, and includes, but is not limited to, all records, memoranda, reports, financial statements, handwritten and other notes, transcripts, paper, indices, electronic mail messages, electronic text messages, voicemail, word processing documents, spreadsheets, databases, calendars, telephone logs, contact manager information, internet usage files (including activity logs, records of internet and web browser generated files, history files, caches, and cookies), network access information, blogs, tweets, instant messages, letters, envelopes, telegrams, cables, telex messages, telephone messages, summaries or records of telephone conversations, summaries or records of personal conversations or interviews, summaries or records of meetings or conferences, minutes or transcripts or notations of meetings or telephone conversations or other communications of any type, tabulations, studies, analyses, evaluations, projections, work papers, statements, summaries, opinions, journals, desk calendars, appointment books, diaries, billing records, invoices, or photographs, or other data compilations in any medium from which information can be obtained, including, but not limited to microfilms, magnetic tapes, electronic storage, computers, laptops, hard drives, thumb drives, personal digital assistants, smart phones, and archives, and includes any other documents discoverable under Federal Rule of Civil Procedure 26, which are in Your custody, possession, and/or control or to which You otherwise have access. The term “document” *also includes* file and folder tabs associated with each of the aforementioned originals, copies, drafts, or versions. The term “document” also includes “communications” as defined herein.

7. Communications. The term “communications” shall be construed as broadly as possible, and shall include, but not be limited, to all e-mails, text messages, correspondence, memoranda, or other written documentation in any form.

8. Concerning. The term “concerning” means referring to, referencing, reflecting, in connection with, describing, evidencing, indicating, supporting or constituting, digesting, embodying, establishing, tending to establish, tending not to establish, comprising, commenting on, responding to, disagreeing with, showing, describing, analyzing, representing, constituting or including, in whole or in part.

9. All/Each. The terms “all” and “each” shall be construed as all and each.
10. And/Or. The connectives “and” and “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside of its scope.
11. Number. The use of the singular form of any word includes the plural and vice versa.
12. Tense. The use of the present tense includes the present and past tense, and the use of the past tense includes the past and present tense.

INSTRUCTIONS

A. Identify all documents that are available in both physical and electronic format, and initially provide only the electronic version. Identify electronic data that is available in more than one format, and provide all formats.

B. These Requests shall extend to all documents in the possession, custody, and/or control of You, as well as all documents in the possession, custody, or control of persons or entities under Your control or which You could reasonably gain access, such as Your attorney(s), accountant(s), employee(s), agent(s), or other representative(s), regardless of who obtained the documents on its behalf, and regardless of the source from which the documents were obtained

C. In the event that more than one copy of a documents exists, You should produce the original and each non-identical copy of each document or other tangible thing requested herein that is in Your possession, custody or control, or the control of Your agents, attorneys, accountants, or employees, or to which You could reasonably gain access.

D. You should comply with the requirements of the Federal Rules of Civil Procedure and Federal Rules of Bankruptcy Procedure regarding claims of privilege or protection of trial preparation materials.

E. These Requests shall be deemed continuing in nature to the fullest extent permitted by law. If further responsive information comes into the possession or attention of You or Your attorneys at any time during the course of this proceeding, such information must be provided as required by the Federal Rules of Civil Procedure.

F. If any portion of any document is responsive to any request, then the entire document must be produced.

G. In the event that no document exists which is responsive to a particular request, a written response indicating the same must be provided

H. If any document is withheld on the basis of privilege, or any request is objected to on the basis of privilege, You must nevertheless produce other responsive documents pursuant

to such request which are not subject to any privilege, and You must produce a privilege log concerning documents withheld on the basis for privilege.

REQUESTED DOCUMENTS

1. All documents or electronically stored information concerning either: (a) any transfer of property by You (including anyone on Your behalf) to any of the Debtors or the Debtors' Affiliates (including anyone on any of their behalf); or (b) any transfer of property by the Debtors or the Debtors' Affiliates (including anyone on any of their behalf) to You (including anyone on Your behalf). Documents responsive to this request include, but are not limited to: (1) banking records (such as bank statements, copies of checks, wire instructions, wire receipts, ledger entries); (2) investment contracts, agreements, invoices, or receipts, including shipping records or other records concerning livestock sales involving any of the Debtors or the Debtors' Affiliates; and (3) communications with any party concerning any such transfers.

2. All communications (including texts, emails, and instant messages) with or referencing any of the Debtors or the Debtors' Affiliates, other than confidential communications made with Your counsel for purpose of seeking or obtaining legal assistance to You.

INTERROGATORY

3. Identify each and every: (a) transfer of property by You (including anyone on Your behalf) to any of the Debtors or the Debtors' Affiliates (including anyone on any of their behalf); and (b) transfer of property by the Debtors or the Debtors' Affiliates (including anyone on any of their behalf) to You (including anyone on Your behalf). For each transfer, provide the date, property (if cash, list dollar amount), identify of the transferring party, identity of the receiving party, and if applicable, a description of any contract, invoice, or other agreement related to such transfer. The following is an illustrative example of a response to this request:

Date	Property	Transferring Party	Receiving Party	Contract
10/1/2020	\$250,000.00	ABC Creditor	Brian McClain	Contract #5678 dated 10/1/2020

You are instructed to verify under oath Your answer to this Interrogatory. A separate verification is required of each person who responds to any portion of this Interrogatory. The following is an example of a verification under oath of this Interrogatory:

I, John Doe, execute this verification of the response to the Interrogatory
and swear that, to the best of my knowledge, the response to the
Interrogatory is correct and complete.

John Doe

END OF ORDER

Order submitted by:
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